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DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

August 14, 2009

To: Iowa Licensed UST Professionals
From: Elaine Douskey, UST Section Supervisor
Subject: Newly Adopted Rules, Chapter 134 Part C

On August 19, 2009, Chapter 567—134 Part C, *Underground Storage Tank Licensing and Certification Programs* becomes effective. We have had several meetings with stakeholders regarding these rules, and I want to thank you for your assistance in bringing these rules to fruition. I also want to explain the changes and make sure you are aware of how these rules affect you.

License Fee

As most of you know, the license fee is now \$200 and covers a two-year period beginning January 1, 2011. All licenses will expire December 31, 2010 (see 567—134.19). This means if you are currently licensed as an installer, installation inspector, tester or liner, your license will remain current until January 1, 2011. The UST Section will remind you when it is time to renew. Keep in mind that prior to license renewal, UST professionals must complete 12 credit hours of department-approved continuing education. A refresher course is in the works for 2010.

New Licenses: Removers and Cathodic Protection (CP) Testers

UST Remover is a new license, and will be issued upon successful completion of a course, exam and qualifications. The remover course will be held Friday October 9, 2009 at the Des Moines Botanical Center from 8:00 to 5:00. A registration form will be available on the UST Section website by August 18. You will be asked to register by September 11 so we will have an idea of how many will attend and whether we need to add another course. The UST Section has asked the Iowa Petroleum Equipment Contractors' Association (IPECA) to assist in presenting the course.

The DNR has extended the August 19, 2009 deadline for licensed removers until after the remover course has been successfully completed, which means contractors who remove or fill tanks in place may continue to do so until October 9, 2009. After October 9, 2009 an Iowa licensed UST Remover must be on site for all regulated UST system permanent closures.

Permanent closure is a hazardous activity involving confined space and flammable and combustible fuels. Public safety, worker safety and environmental safety are emphasized with the new rules and certification program. Iowa has some very experienced and safety-minded removers. These rules ensure that safety standards and codes are set and followed at all permanent closures.

CP Tester is also a new license. The DNR will extend the August 19, 2009 deadline to December 31, 2009 in order to process applications and to give CP testers a chance to complete the NACE or STI course work and exam. This means by January 1, 2010, persons who want to work as a CP tester in Iowa must be certified by NACE or Steel Tank Institute. You must submit a copy of your NACE or STI certification to the UST Section along with the application and fee. Once you are licensed as a CP Tester, you must maintain NACE or STI certification and pay the renewal fee of \$200 every two years.

Applications for Removers and CP Testers will be available on the website by October 14, 2009 under *UST Professional Licensing*. Both companies and individuals pay \$200 for licensing. The licenses will be effective until January 1, 2011.

If you have a question about your UST professional license renewal or application, phone Sherry Blaisdell at 515.281.8865 or e-mail Sherry at Sherry.Blaisdell@dnr.iowa.gov.

UST Closure Sampling

After October 14, 2009, sampling associated with UST permanent closure must be conducted or supervised by an Iowa certified groundwater professional (CGP), which is another licensing program administered by the UST Section. The DNR believes this requirement was necessary to ensure reliable soil and groundwater sampling and testing take place as part of the closure process. We put a high priority on groundwater protection, thus delegate the responsibility for sampling soil and groundwater to individuals who are trained, knowledgeable and certified as groundwater professionals. If the remover is not a CGP, the remover must subcontract with a CGP to conduct or supervise closure sampling. A list of CGPs can be found at our web site: <http://www.iowadnr.gov/land/ust/cgwp/ustgwconsults.html>.

We also have amended Chapter 135 to reflect the changes for permanent closure in 134 Part C. The 135.15(3)"a" amendment (which is still subject to final approval) states that the UST closure investigation (i.e., soil & groundwater sampling) must be conducted **or supervised** by a CGP. The 'or supervised' language was added to the final draft of this rule, and it is consistent with existing rules for certified groundwater professionals and work at LUST sites. The intent is that a CGP would not necessarily need to be on site; they would, however, need to sign off on the report and certify sampling was conducted per regulations and standards. Their certification is still at stake, even though they may not be on site.

Environmental Liability Insurance

Minimum liability insurance coverage has been raised to \$1,000,000 per occurrence and aggregate. Most of you have already increased your coverage to this amount; please check to verify the insurance amount and expiration date. If you haven't yet increased your coverage, you have 45 days from the effective date of the rules to increase your minimum liability coverage (i.e., by **October 3, 2009**). If you haven't already done so, please submit documentation to the DNR that your coverage meets the requirement. Send your updated certificates to Sherry Blaisdell by e-mail

(Sherry.Blaisdell@dnr.iowa.gov), fax (515.281.8895) or mail to Sherry Blaisdell, Iowa DNR, Wallace State Office Building, 502 E 9th Street, Des Moines, IA 50319.

Reporting Releases

If an UST professional observes a **suspected release** (e.g., unexplained loss of product, slow flow of a mechanical leak detector, failed leak test results) while working at an UST site, they must report the release to the owner/operator. The owner/operator, in turn, must timely report the suspected release to the DNR (within 24 hours--or 6 hours if a hazardous condition exists). See the forms and guidance available on the UST Section website (<http://www.iowadnr.gov/land/ust/ustrelease.html>). The UST professional is also expected to recommend to the owner/operator how to correct the suspected release. The owner may also expect the UST professional to complete the release report form.

The UST professional must report **confirmed releases** to the owner/operator upon discovery and to the DNR within 7 days of discovery on a form provided by the department. Use the release report form on the UST Section's website (<http://www.iowadnr.gov/land/ust/ustrelease.html>). Owners may in turn, use the form, but releases may also be reported by phone, fax or email, just provided that they are reported in a timely manner (within 24 hours--or 6 hours if a hazardous condition exists).

Operator Training

Chapter 135 Operator Training final rules go before the Environmental Protection Commission for approval on August 18. If adopted, these rules would take effect on October 14, 2009.

These rules designate three classes of operator training, and allow for third party or web-based approved training programs for operators. Class A and B operators will be trained by approved online or third party training, and require an exam to demonstrate their understanding of the course material. Class C operators may be trained by B operators with no exam required.

Facilities may designate UST professionals (installers, installation inspectors or compliance inspectors) as their A or B or A *and* B operator, but these installers, installation inspectors and compliance inspectors must first be trained as an A or B or as an A and B.

The Class B operator is responsible for bringing a site into compliance once it has undergone a change of ownership. The B operator will be responsible for conducting a facility inspection, using the DNR's change of ownership checklist, to ensure all paperwork and compliance matters are resolved at the time of the ownership change.

Designated operators must complete training no later than December 31, 2011. After December 31, 2011, a petroleum marketing facility must have designated A, B and C operators before they can operate. Once the rules are adopted, DNR will begin to review owner/operator training courses. Marketers will have approximately two years to train their Class A, B and C operators. However, UST facilities must have basic written

operating and emergency procedures and emergency contact information posted and available to the Class C on-site operator within 6 months of the effective date of the rule (April 14, 2010).

Operator Training rules also require unstaffed or unattended facilities (sites that dispense flammable or combustible fuels with no personnel on site) with pressurized product delivery to install line leak detectors or sump sensors (for secondary containment) that automatically shut down the submersible turbine pump (STP) when a leak occurs in the primary piping. These systems must be installed as part of any new or replacement systems. All facilities must install the systems by December 31, 2010 unless a written extension is granted.

Currently, the choices for leak detection on pressurized product lines are an alarm, shut down or slow flow. Slow flow or alarms do not stop the flow of product when a leak occurs, and are not effective in calling attention to the leak as there is no one staffing the facility to shut down the STP.

By requiring automatic shutdown, the owner/operator may need to upgrade the system and will incur extra cost for doing so, but the alternative is to pay much more for releases and place the public's safety and environmental safety at risk.

Website Re-design

We are currently updating our website to reflect the recent rule changes and other developments in the UST Section. Our goal is to make it more user-friendly and easier to find information. The website is expected to be completed by the end of September, 2009.

Questions about proposed rules, current rules and any other UST information should be directed to Tom Collins (Tom.Collins@dnr.iowa.gov or phone 515.281.8879) or Paul Nelson (Paul.Nelson@dnr.iowa.gov or phone 515.281.8779). Feel free to contact me as well at Elaine.Douskey@dnr.iowa.gov or phone 515.281.8011.